



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,960	02/16/2001	Yilin Zhao	CS90038	2853

7590 12/15/2004

Motorola, Inc.
Intellectual Property Dept. (RKB)
600 North US Highway 45, AN475
Libertyville, IL 60048

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/785,960

Applicant(s)

ZHAO ET AL.

Examiner

Keith T. Ferguson

Art Unit

2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-10 and 25-28.

Claim(s) objected to: _____.

Claim(s) rejected: 16-18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Continuation of 2. NOTE: Newly proposed claims 29-30, raises new issues that would required further consideration and/or search. Regarding claims 16-18, applicants argument: Claims 16-18 are drawn to statutory subject matter. The claimed "satellite positioning system ephemeris data issue identifier" is transmitted as a signal to a cellular mobile station. The identifier includes a "first field with satellite identifier data" and a "second field with an ephemeris sequence number". Examiner respectfully disagrees, claim 16 recites "a satellite positioning system ephemeris data issue identifier for transmission to a satellite positioning system enable mobile station in a cellular network", i.e. in its preamble. This is different from the applicants response above "satellite positioning system ephemeris data issue identifier" is transmitted as a signal to a cellular mobile station". Also the preamble is not given examining weight when examining the claim as a whole. Claim 16 further recites " a first field with satellite identifier; and a second field with an ephemeris sequence number. A first field with satellite identifier; and a second field with an ephemeris sequence number is considered functional descriptive material. Claim 16, applicants arguments, "Kingdon and Chen is not a "....system ephemeris data issue identifier for transmission to a satellite positioning system enabled mobile station in a cellular network. Examiner respectfully disagrees, as state before, the preamble is not given examining weight when examining the claim as a whole. Claim 16 further recites " a first field with satellite identifier; and a second field with an ephemeris sequence number. A first field with satellite identifier; and a second field with an ephemeris sequence number is considered functional descriptive material. Chen teaches a first field (sub-frame 42-5) with satellite identifier data (fig. 1a and col. 6 lines 41-40). Regarding claim 17, applicant argument " Kingdom and chen fail to disclose the ephemeris data identifier wherein..... the first field is at least 5 bits, the second field is at least 3 bits". Examiner respectfully disagrees, chen teaches each frame consist of 1500 bits, i.e. 3 bits and above to equal 1500 bits. Regarding claim 18, applicant argument " Kingdom an chen fail to disclose a broadcast message. Examiner respectfully disagree, because Kingdom et al. discloses a broadcast message (paragraph 0024 lines 1-7).